

FILED - GRNovember 29, 2021 9:07 AM
CLERK OF COURT
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY:JMW SCANNED BY: JW 11-29UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISIONDERRICK LEE CARDELLO-SMITH, #267009,
PETITIONER,CASE NO- 1 **1:21-cv-1004**
HON: **Sally J. Berens**
U.S. Magistrate JudgeVS
MICHIGAN DEPARTMENT OF CORRECTIONS,
HEIDI WASHINGTON, DIRECTOR,
PRESENTENCE REPORTING INFORMATION REPORT AGENT,
RECORDS OFFICE SUPERVISOR,
MDOC PRISONER HISTORY INFORMATION DEPARTMENT OF THE MDOC,
UNITED STATES DEPARTMENT OF THE ARMY
ARMED COMBAT PERSONNEL INFORMATION DIVISION,
JAMES SCHIEBNER, ET AL,
RESPONDENTS/DEFENDANTS,PETITIONER/PRISONERS WRIT OF HABEAS CORPUS
TO CORRECT THE RECORD USED IN
THE CUSTODY AND RESTRAINT OF PETITIONER
IN RELATION TO THE PETITIONERS
PRIOR HISTORY AS A VETERAN OF THE
UNITED STATES ARMED FORCES DEPARTMENT OF THE ARMY
[UNDER 28 U.S.C. 2254]

Petitioner, Derrick Lee Cardello-Smith, under 28 U.S. § 2254 BY A PERSON IN STATE CUSTODY AND MOVES THIS COURT TO GRANT A PETITION FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY AND AS THAT THE COURT HAS THE AUTHORITY AND JURISDICTION AND RESPONSIBILITY TO ENSURE THAT THE PETITIONER IS BEING HELD IN LAWFUL CUSTODY AND ALL FACTORS THAT PLAY A ROLE IN SAID CUSTODY MUST BE TAKEN INTO CONSIDERATION.

IT IS THE PETITIONERS CLAIM THAT THE PETITIONER IS NOT BEING HELD IN CUSTODY LAWFULLY AND LEGALLY AND IN ACCORDANCE WITH THE CONSTITUTION OF THE UNITED STATES OF AMERICA WHERE THE RESPONDENTS WHO HAVE CUSTODY OF THE PETITIONER ARE BASING IT OFF INCORRECT INFORMATION AND GETTING THE FACTS WRONG AND USING SAID DATES WRONG FROM THE PETITIONERS PRESENTENCE INVESTIGATION REPORT WHICH IS USED TO HOSE, PROGRAM, CLASSIFY AND MANAGE THE PETITIONER WHERE THE RESPONDENTS HAVE PLACED THE WRONG DATE OF THE PETITIONERS SERVICE IN THE UNITED STATES ARMED FORCES DEPARTMENT OF THE U.S. ARMY WHERE THE RESPONDENTS HAVE THE DATES OF THE PETITIONERS SERVICE AS 1971--1993...CLEARLY THIS IS MISTAKEN AS THAT THE PETITIONER SERVED HIS COUNTRY PROUDLY DURING THE TIME OF JANUARY 1, 1990 THROUGH DECEMBER 30, 1993 AND THE PETITIONER SERVED IN THE CAPACITY AS A CLOSE QUARTERS HAND TO HAND COMBATANT, MARTIAL ARTS EXPERT ARMED COMBAT 3RD YEARS MASTER/EXPERT, SERVED IN OPERATION DESERT STORM DURING THE PERSIAN GULF WAR, COMPLETED OTHER SANCTIONED MISSIONS FOR THE U.S. DEPARTMENT OF THE ARMY and the Michigan Department of Corrections has Petitioners TOUR OF DUTY and ASSIGNMENT AS BEING from 1972 through 1993 when it was 3 Years of service at the age of 17 through 21.

As such, the dates of said Armed Combat Service should be listed correctly and not the time dates that are currently listed, as such, Petitioner moves this Court to Grant Said Writ of Habeas Corpus, because Petitioner is being held IN CUSTODY CONTRARY TO THE 6TH AND 14TH AMENDMENT where it is based on

(7)

Incorrect and false information and it must be correctwed.

Thank you for your tine.

Respectfully Yours,


Mr. Derrick Lee Cardello-Smith

#267009

MCF-2400 S. Sheridan Drive

Muskegon, MI 49442

(2)

Name Derrick Smith
Number 261009-5-1473
Address MC 1240 S. Sheridan Drive
Address Muskegon, MI 49442



Sent on
10/27/21
New case
filing

Clerk of the Court
U.S. District Court
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Grand Rapids, MI 49503

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